

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MOHAMMAD ASIF WAZIRI,

Defendant.

Cause No. CR-17-16-H-CCL

ORDER

The Court attempted to arraign Mohammad Waziri on October 12, 2017. (Doc. 5.) Waziri was removed from the courtroom due to continued interruptions. Counsel for Waziri moved for a psychiatric evaluation regarding Waziri's mental competency. The United States did not object to the psychiatric evaluation.

Judge Brian Morris conducted an initial appearance and arraignment on October 16, 2017, prior to Waziri's psychiatric evaluation. (Doc. 12.) Counsel for Waziri objected to these proceedings. (Doc. 11.) Waziri pled guilty to the charges over Counsel's objections. Judge Morris advised Waziri of his constitutional rights, but did not conduct a Federal Rule of Criminal Procedure Rule 11 colloquy to ensure Waziri's plea constituted a voluntary and knowing admission. As a result, Waziri's attempt to plead guilty to the charges in the Indictment will be considered invalid.

The Court conducted a competency hearing on January 8, 2018. (Doc. 29.) Dr. Cynthia Low testified as to Waziri's mental competency. All parties agree that Waziri maintains mental competency at this time to understand the nature and consequences of the proceedings against him and to assist properly in his defense. The Court proceeded with Waziri's arraignment and advised Waziri of his rights. Waziri pled not guilty to the charges in the Indictment. For purposes of the Speedy Trial Act, the Court arraigned Waziri on January 8, 2018.

DATED this 8th day of January, 2018.



John Johnston
United States Magistrate Judge